

April 3, 1978

LB 98, 586

all voted? Record. Senator Koch.

SENATOR KOCH: How many people are excused, Mr. President?

PRESIDENT: Three.

SENATOR KOCH: I'm going to ask for a roll call vote.

PRESIDENT: Call the roll.

CLERK: (Read roll call vote found on pages 1592 and 1953 of the Journal.) 24 ayes, 15 nays, Mr. President.

PRESIDENT: Motion fails. We go to LB 98, Senator Murphy's motion. We are under Call. All Senators are to remain at their desks.

CLERK: Mr. President, Senator Murphy moves that LB 98 become law notwithstanding the objections of the Governor.

SENATOR MURPHY: Ladies and gentlemen, I'd like to call your attention to the Governor's veto message on page 1448 of your Journal in addition to which I have passed out the Attorney General's opinion relative to this message in which he repeatedly contradicts the Governor's message. This has got to be a day without parallel. In his initial paragraph in the veto, the Governor questions that we may be getting into tampering with the balance of power. In reality all this bill does is to insist that the Governor maintain the power he is charged with constitutionally and I find it a little bit amusing in reading his letter to Mayor Veys of the other day that he would worry about the balance of power when he can assure Mayor Veys that he will reach into the Legislature and get four or five votes in order to get him his thirty three and this is the man who would question one agency meddling in the affairs of another. Paragraph three in the Attorney General's letter speaks to the balance of power in which he says that LB 98 in no way invades the power of the Governor, in no way, and this is according to the Attorney General, paragraph three of the letter I passed out to you. In paragraph two the Governor says, we are telling him to ignore the constitution and here again the Attorney General's letter points out very vividly that it is the duty of the Governor...

PRESIDENT: We are under Call.

SENATOR MURPHY: ...to enforce these laws and that there is no conflict in that category. Far from asking the Governor to ignore the constitution, we are simply asking him to uphold his constitutional duties and see that laws are as the Attorney General says, carefully and faithfully enforced. In fact he says quite clearly that it is the Governor's duty to do so and we are saying in statute to match what it says in constitution. The Attorney General also points out that the Legislature does in truth, have the authority to expand upon these constitutional powers and to enact legislation of this nature. The Attorney General has said that this bill is constitutionally correct. Now he does raise the possibility of a conflict with the Governor's oath of office and for the life of me I fail to understand how either of these gentlemen could offer such a proposition. Where the constitution clearly, specifically states that the Governor shall bring about implementation, how in the name of the Lord can a law that says, he shall do it in

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